

Item No. 01

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 202/2021

Satish Chander Singh

Applicant

Versus

Uttarakhand Environment Protection
and Pollution Control Board

Respondent

Date of hearing: 22.02.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent: Mr. Mukesh Verma, Advocate for UEPPCB

ORDER

1. Grievance in this application is against violation of environmental norms in the operation of a hot mixture plant by K.B.M. Infrabuild Pvt. Ltd. in Village Nandauli, Pauri Garhwal, at a distance of 100 meters from the habitation, near the house of Mukesh Rana son of Ganesh Rana. According to the applicant, the hot mix plant is releasing toxic gases and smoke which is entering the houses of the inhabitants. Dust pollution is causing difficulty in breathing. Public health is directly and indirectly affected. People are not able to sleep as the plant continues to operate even during the night time. Pungent smell is released. Crops are affected. Health of animals is affected. The pollution is aggravated during corona pandemic. Representations have been made on the subject to the District Magistrate, Pauri Garhwal but no action has been taken. The DM has allowed the plant vide order dated 21.04.2021, ignoring the interest of children, public

health and environment. The applicant has relied on a report of inspection conducted by SDM, Pauri Garhwal finding various deficiencies and recommending safeguards. Order dated 21.04.2021 passed by the District Magistrate is also subject to certain conditions which are not being followed.

2. Vide order dated 16.08.2021, the Tribunal constituted a joint Committee of State PCB and the District Magistrate, Pauri Garhwal to verify the ground situation and furnish a factual and action taken report on the issue of compliance of siting, stack and fugitive emissions for Particulate Matter and VOCs by the plant in question.

3. In pursuance of above, a report has been filed on 05.01.2021 by the District Magistrate, Garhwal to the effect that though the plant in question was causing smoke and noise adversely affecting public health, the same was no longer operational. The same was operated only for trial in May-June, 2021. It is located at a distance of 180 meters from the village habitation. CTO was granted till 31.03.2022. Air pollution control device was installed. Chimney of 8 meters was also set up, to be further raised as per norms. Since the plant is not functional, parameters could not be verified. Permission for the plant is till 20.04.2023. Wall has not been constructed around the plant and the storage area. Registration has not been sought for sale/purchase of crust mineral on the notified web portal. The plant is registered with the State PCB in the name of K.B.M Infrabuild and consent under the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 have been granted till 31.03.2022. There is a policy of Uttarakhand Industrial Development Department dated 11.11.2021 called "Uttarakhand Stone Crusher, Screening Plant, Mobile Screening Plant, Pulverizer Plant, Hot

Mix Plant, Redimix Plant Permission Policy, 2021,” laying down the conditions of consent, renewal etc. for registration on e-portal. However, registration has not been taken, as per department’s report dated 25.10.2021.

4. In view of above, it does not appear to be necessary to pass any further order except that having regard to well known potential of air pollution from such hot mixing plants, the same must be compliant with the siting and other environmental norms. If norms have not so far been laid down by the State PCB, the same may be duly notified within two months. It is in public domain that siting guidelines and the environmental standards have been laid down by some of the PCBs including Tamil Nadu, Haryana, Punjab etc. Also, MoEF&CC has issued Draft Notification dated 08.01.2020 on standards for Hot Mix Plants.

5. Further, vide order of this Tribunal dated 17.12.2021 in *E.A. No. 34/2021 in O.A. No. 186/2021, Mahinder Kumar & Ors. vs. State of Himachal Pradesh & Ors.*, the Tribunal directed the Himachal Pradesh PCB to lay down an appropriate siting policy for hot mix plants, as follows:

“xxxxxx.....xxx
3.*The State PCB needs to adopt an appropriate siting policy, if not laid down so far, having regard to the fact that hot mix plant is hazardous to environment with huge potential for air pollution. ‘Precautionary’ and ‘Sustainable Development’ principles require that location of hot mix plant should be at a reasonable distance from habitation or sensitive establishments. Decision in this regard may be taken within one month.*”

6. Accordingly, in the present case also the State PCB may lay down siting and other norms, if not already laid down. The same will apply to existing and new plants. Needless to say that Industrial policy is not a substitute for the functions of PCB under the Water and the Air Acts.

Further, after laying down policy, the State PCB may also ascertain compliance of norms by the hot mix plants by initiating an appropriate drive on the subject with reference to siting and environmental norms. A report of compliance status as on 30.06.2022 be filed by 15.07.2022 with the Registrar General of this Tribunal by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF. If any further direction appears to be necessary, the Registrar General may place the matter before the Bench for further directions.

Subject to above, the application is disposed of.

A copy of this order be forwarded to State PCB by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

February 22, 2022
Original Application No. 202/2021
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